

Patent Law
Fall 2008

SYLLABUS

Professor Chris Holman
Room: TBD
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Office Hours: Regular office hours will be announced the first week of class. I will also be available after class or by appointment.

Required Texts: Merges & Duffy, *Patent Law & Policy*, Fourth Edition (LexisNexis 2007), plus 2008-2009 Supplement, an electronic version of which will be made freely available to students enrolled in the class on Blackboard.

Description: This course will focus primarily on substantive U.S. patent law, including the laws governing the patentability of particular inventions, the patent procurement process, the rights granted by a patent (including limitations on these rights, such as antitrust law), and patent enforcement and litigation. As time permits, the course will explore policy issues raised by the current patent system, discuss proposals for reform and international harmonization, and consider alternatives to patent protection such as trade secret and regulatory exclusivity.

Requirements and Grading: Preparation for class and regular and punctual class attendance are mandatory. *Be sure that all cell phones and pagers are turned off and that laptops are used only for taking notes.*

Our class discussions will focus largely on the reading assignments as set forth in the class syllabus. To that end, I will assign each of you to an “expert group” that will be responsible for leading the discussion on your assigned days. Group assignments will be handed out during the first week of class.

At the end of the semester, there will be a three-hour, closed-book final examination, which will result in a preliminary grade. The preliminary grade will be adjusted for class attendance, preparation, and performance, which may cause the grade to rise or fall one-half grade if the student is at the margin based on the exam. The instructor reserves the right to diminish the grade substantially, disenroll the student, or fail the student if the student is a source of disruption in class.

Blackboard Enrollment: Students must enroll in the University’s Blackboard website system for this course, and check the course site regularly.

Preliminary Assignment Schedule: The assignment schedule follows. The schedule is very likely to be adjusted during the course of the semester, and supplementary materials will be added. These materials or the directions to obtain them will be posted on Blackboard.

Date	Topic	Assignment
<u>Week 1</u>		
T 8/26	Introduction; Claims	14-33, 49-66
Th 8/28	Patentable Subject Matter (35 USC 101)	67-78, 98-117
<u>Week 2</u>		
T 9/2	Recent Developments in PSM	Supp. 1-26
Th 9/4	Utility	222-53
<u>Week 3</u>		
T 9/9	Introduction to § 112; Enablement	257-61, 271n.9-299
Th 9/11	Written Description	299-314, Supp. 27-32
<u>Week 4</u>		
T 9/16	Definiteness and Best Mode	327-56
Th 9/18	Introduction to § 102(a)	357-93
<u>Week 5</u>		
T 9/23	Anticipatory References Under § 102(a)	393-413
Th 9/25	§ 102(g) and Priority	438-56 and 468-78
<u>Week 6</u>		
T 9/30	§ 102(b) and Statutory bars	519-50
Th 10/2	Experimental Use Exception	551-84
<u>Week 7</u>		
T 10/7	Nonobviousness; History	626-62
Th 10/9	Subtests of Nonobviousness	663-84 and Supp. 33-36
<u>Week 8</u>		
T 10/14	Objective Indicia of Nonobviousness	685-95, 703-16
Th 10/16	§ 103 Prior Art and Nonanalogous Art	730-50, 764-73
<u>Week 9</u>		
T 10/21	Claim Interpretation	787-820
Th 10/23	Claim Interpretation	820-49
<u>Week 10</u>		
T 10/28	Doctrine of Equivalents	856-81
Th 10/30	Experimental Use Exception and Indirect Infringement	895-923
<u>Week 11</u>		
T 11/4	Injunctions	933-66
Th 11/6	Damages: Reasonable Royalty	969-1000
<u>Week 12</u>		

T 11/11	Damages: Lost Profits	1000-029
Th 11/13	Willful Infringement	In re Seagate, 497 F.3d 1360

Week 13

T 11/18	Correction, Reissue and Reexamination	1073-1102, 1081-88, 1090-1105, 1139-47
Th 11/20	Inequitable Conduct	1103-30

Week 14

T 11/25	Inventorship	1141-49 and 1158-80
W 12/3	Catch up and Review	Review notes and materials
T 12/16	Final Exam	1:30-4:30